

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Harvey Preston

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v. WARDEN John DAVIDS
ADW CusSELL
ADW Bonn
ADW Dunigan

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case:4:23-cv-10723

Judge: Behm, F. Kay

MJ: Ivy, Curtis

Filed: 03-28-2023 At 02:52 PM

PRIS PRESTON V. DAVIDS ET AL (DA)

Jury Trial: ☐ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Harvey Preston 235170

All other names by which you have been known:

ID Number

235170

Current Institution

Ionia Correctional Facility

Address

1575 W. Bluewater Hwy
Ionia, Michigan 48846**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

John DavisJob or Title
(if known)WARDEN

Shield Number

Employer

Ionia Correctional Facility

Address

1575 W. Bluewater Hwy
Ionia, Michigan 48846☒

Individual capacity

☒

Official capacity

Defendant No. 2

Name Cassell
Job or Title Assistant Deputy Warden
(if known)
Shield Number _____
Employer Tonia Correctional Facility
Address 1575 W. Bluewater Hwy
Tonia, Michigan 48046
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Born
Job or Title Assistant Deputy Warden
(if known)
Shield Number _____
Employer Tonia Correctional Facility
Address 1575 W. Bluewater Hwy
Tonia, Michigan 48046
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name Dunigan
Job or Title Assistant Deputy Warden
(if known)
Shield Number _____
Employer Tonia Correctional Facility
Address 1575 W. Bluewater Hwy
Tonia, Michigan 48046
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Amendments 2, 5, 6, 14th Religion, meals/Refusing to feed me, saying that I'm refusing, the same with my showers I don't refuse those. Health Service, Dental, optometrist, Quartermaster clothes, personal property, Law Library, Legal Supplies. Defamation of character.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Warden John Daniels, ADW CasSELL, ADW Boon, ADW Dunigan and Prison Counselor Sanborn are fully aware that my life is in danger / imminent with security threat groups, my Constitutional rights being violated, Religion, Health Service, Mental Services, Dental, optometry, Quartermaster, property loss. Torture tactics, oppression, Discrimination, Defamation of character, Hatred Refusal to give me my meals by Unit 1 staff Villanar, C/O Kinney, C/O Sanborn, C/O CasSELL, C/O MEDERLE, C/O MITCHELL

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose. *no*

B. If the events giving rise to your claim arose in an institution, describe where and when they arose. *Unit 1 Segregation March 3-10-2023 To 3-22-2023.*

C. What date and approximate time did the events giving rise to your claim(s) occur? *3-10-2023 noon - 3-22-2023 starting at 6:00a.m until 2p.m.*

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Confidential statement I am requesting to be put in protective custody due to my life being in eminent danger by Security threat groups. At Least four individuals are supposed to enter my room and kill me. ICF 2023 03 0284 28B.

I am being pass by at meal times and segregation by Unit staff in particular C/O Villanaz, C/O Koonay, C/O Sanborn, C/O Allen C/O Emery ICF 2023 03 0276 28B

ICF 2303 03 0272 28B psychologist Vonhof Denial of services because he has a heavy case load.

I talked with Administration warden Tahiri Daniels, Adam Casella, Adam Bonni, Adam Dunigan, Prison Counselor Sanborn, K about Discrimination, Torture tactics, Hatred by staff, oppression, my personal safety, cruel and unusual punishment

Denial of my Christian Base faith Practice I can't get religious materials,

No access to Law Library / Legal supplies

All of my legal property / personal property is lost.

I have no Quatermaster clothes

I've been denied dental, optometry and Health Services / mental services.

Due to Food trays being poisoned I have discomfort in my head headaches, tightness in my chest, floating shadows in my eyes, EARS ringing, pain in my knee, foot / joints.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I've been getting prison food that has been poisoned, as a result shades / floating shapes in my vision, ear ringing, tightness in my chest, Rapid increase in heart rate due to these chemicals in my food and Drinks sore throat.

Joints in my knees and elbows, feet were swollen. Back pain / no comfort.

mental anguish due to segregation torture tactics, Discrimination, hatred by staff, cruel and unusual punishment, setup tactics. Staff corruption.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want to be placed in Protective Custody.

I'm asking for the oppression, Discrimination, torture tactics, Hatred, the violation of my Constitutional rights to cease. I need to be compensated for mental anguish, personal property loss.

I need health service, Dental, optometry and to eat three meals a day breakfast lunch and dinner. I need for the set up scheme to stop by custody. I was set up with a razor. The razor was dropped in the toilet by mistake and custody set me up by saying it was in my back pocket the whole time. As God as my witness I checked my back pocket thoroughly.

10,000 from each Defendant with a total \$40,000

Administration

plus \$60,000 for mental anguish pain and suffering = \$100,000

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*Irona Correctional Facility
1575 W. Bluewater Hwy
Irona, Michigan 48046*

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance? Ionia Correctional Facility
1575 W. Bluewater Hwy
Ionia, Michigan Segregation Unit 1

2. What did you claim in your grievance? Confidential statement
Personal safety I'm requesting to be put in protective custody. I life is in
imminent danger due to security threat groups. At least four individuals are
supposed to enter my room to kill me. Next staff Corruption Unit 1 correctional
officers pass my room at meal times and are saying I'm refusing meals
and showers. C/O Villareal, C/O Sanborn, C/O Shannabager, C/O Kinney, C/O Allen
I'm not being allowed to practice my religious beliefs denial of religious
supplies, I'm not being allowed to go to health service, Dental and optometry.
I have no quartermaster clothes All my clothes was lost by staff. All my
personal property is lost and my legal property can't be located.

3. What was the result, if any? still in progress
But is being denied.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)* Grievance Coord. NAJ02
K. Miller is hindering the process by not promptly
sending me my step II's and step III's back.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:
Refuse to Give Grievance ODT.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Administration Warden John Davis
ADW Cassell
ADW Bonn
ADW Dunigan

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I wrote letters and all step III
Grievances has to be sent off, to ^{The} Grievance
Administrator.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) Harvey Preston 235170

Defendant(s) N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

MIED ProSe 14 (Rev 5/16) Complaint for Violation of Civil Rights (Prisoner Complaint)

4. Name of Judge assigned to your case
 _____ N/A _____
5. Approximate date of filing lawsuit
 _____ N/A _____
6. Is the case still pending?
☒ Yes
☐ No
 If no, give the approximate date of disposition. _____
7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*
 _____ N/A _____

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

- ☐ Yes
☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit
 Plaintiff(s) _____
 Defendant(s) _____
2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

MIED ProSe 14 (Rev 5/16) Complaint for Violation of Civil Rights (Prisoner Complaint)

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 22, 2023.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

Additional Information: I wish for this complaint to be added as exhibit X. I'm being denied my legal materials, therefore I don't know the case no of the Law suit that's filed in the honorable Judge. Also it appears as Ionia Correctional Facility lost all my legal paper work and personal property.

Grievance Identifiers ICF 2023 03 0289 17I
 ICF 2023 03 0293 12B3
 ICF 2023 03 0285 03H
 ICF 2023 03 0281 19Z
 ICF 2023 03 0276 28B
 ICF 2023 03 0284 28B
 ICF 2023 03 0212 28B



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UNITED STATES District Court
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Detroit, Michigan 48226



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